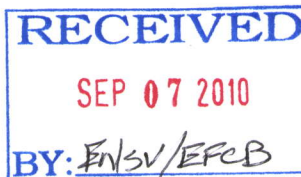




**PETROLEUM FUEL &
TERMINAL COMPANY**

a Subsidiary of Apex Oil Company

Foot of Mullanphy St.
St. Louis, MO 63102
(314) 621-0522



September 3, 2010

AWMD / WEMM

SEP 13 2010

RECEIVED

U.S. Environmental Protection Agency, Region VII
Mr. David N. Whiting
927 Walnut St.
Iowa City, IA 52240

Dear Mr. Whiting:

This is in response to the Notice of Violation issued 8/25/10. Each violation is identified and the response follows.

Violation

Used oil tank (939 gal. cap.) is not marked Used Oil.

Response

Labels, which read "Used Oil", were made and placed on the tank. Attached as Exhibit #1 are pictures showing what was done.

Violation

Failure to make a hazardous waste determination on spent lamps disposed as waste.

Response

The Missouri Department of Natural Resources publication titled "The Universal Waste Rule in Missouri" (PUB002058), attached as Exhibit #2, identifies mercury containing lamps as a universal waste. It further states that:

In Missouri, this rule does not apply to any business that generates or accumulates less than 100 kilograms (220 pounds) of hazardous waste per month or at any one time. Such generators are considered "conditionally exempt" from hazardous waste regulation.

The Missouri Department of Natural Resources publication titled "Fluorescent Lamps" (PUB000024), attached as Exhibit #3, states the following:

If your business is a conditionally exempt small quantity generator of hazardous waste and it generates one or two lamps on an infrequent basis (or if you are a household or farmer), you may dispose of these in a Missouri sanitary landfill.

502426



RCRA

From this we have concluded that as a conditionally exempt small quantity generator of hazardous waste we are able to dispose of our spent mercury containing lamps in a Missouri sanitary landfill. However, we are working with our lighting supplier (Grainger) to modify our existing fixtures, if possible, or obtain new fixtures that will enable us to use T-8 low mercury fluorescent tubes. Also, we are arranging to obtain a "Recycle Pack" whereby we can return for recycling our spent high-pressure sodium and mercury vapor bulbs.

If you have any questions or need anything else please let me know.

Yours truly,



Tim Bishop
Terminal Manager

Attachments

EXHIBIT #1





Missouri Department of Natural Resources

The Universal Waste Rule in Missouri

Hazardous Waste technical bulletin

6/2006

What are Universal Wastes?

Universal wastes are hazardous wastes, but not all hazardous wastes can be universal wastes. In order to be a universal waste, a hazardous waste must meet certain criteria established by the U.S. Environmental Protection Agency (EPA). In general, to qualify as a universal waste a hazardous waste must be widespread, commonly found in medium to large volumes, exhibit only low-level hazards or be easily managed. It is important to note that disposal of hazardous wastes in Missouri sanitary landfills (except by households or de minimis amounts from conditionally exempt generators) has been illegal since Jan. 1, 1994 (Section 260.432 RSMo). Universal wastes in Missouri's rule include the following items:

- **Batteries**, such as nickel-cadmium (Ni-Cd) batteries, mercury, silver or lithium "button" batteries and small, sealed lead-acid batteries found in electronic equipment, mobile telephones, portable computers and emergency backup lighting. Those who generate lead-acid vehicle batteries have the option of managing their uncracked lead-acid batteries under the provisions of Title 40 of the Code of Federal Regulations (CFR) Part 266.80 or the Universal Waste Rule, in 40 CFR Part 273;
- **Pesticides** that have been recalled or banned from use, are obsolete, have become damaged or are no longer needed due to changes in cropping patterns or other factors. These have often been stored for long periods of time at businesses or in sheds or barns. In Missouri, pesticides cannot be sent to other universal waste handlers, but may be sent to a universal waste pesticide collection program, to a Missouri Certified Resource Recovery Facility or to a Universal Waste Destination Facility. Missouri does not allow transmission of pesticides between handlers due to the high toxicity level of these wastes and the belief that additional controls are necessary to assure adequate protection of human health and the environment when these wastes are handled. In addition, universal waste pesticide collection programs in Missouri must comply with the "Standard Operating Procedures for Universal Waste Pesticide Collection Programs in Missouri" that are referenced in the rule. Pesticides may be transmitted between pesticide collection programs that are in compliance with the rule. Missouri also added an option for allowing Missouri Certified Resource Recovery Facilities to accept pesticides if their certifications allow;
- **Thermostats**, mercury switches and mercury containing thermometers and manometers that are found in homes and commercial, industrial, agricultural and community buildings; and
- **Mercury containing lamps** that include fluorescent, high-pressure sodium, mercury vapor, metal halide and high intensity discharge (HID) lamps.



Mercury switches, mercury-containing thermometers and manometers were added by Missouri to the original list of wastes (i.e., thermostats, batteries and pesticides) that may be managed under the provisions of the Universal Waste Rule. Hazardous incandescent lamps were added to federal universal waste regulations adopted by Missouri effective Nov. 30, 2001.

What is the Universal Waste Rule?

The Universal Waste Rule is a set of federal environmental regulations adopted with modifications by Missouri. The effective date of the rule in Missouri was Jan. 31, 1999. The rule can be found in Chapter 16 of the *Missouri Hazardous Waste Management Regulations*, which references portions of 40 CFR Part 273. This rule identifies all universal wastes in Missouri and states how they can be handled in a lawful manner. To completely understand the rule, you should read both state and federal regulations, because the state often references the federal standards. The rule was designed to give generators of certain types of hazardous wastes an option to manage those wastes under less stringent Universal Waste Rule requirements rather than by the more stringent existing hazardous waste regulations. This alternative is offered to help reduce the regulatory burden on businesses and others that generate certain common hazardous wastes and to encourage collection, recycling and proper disposal of these wastes.

By reducing administrative requirements, this rule is expected to save companies compliance costs and to reduce the amount of time spent on paperwork. The rule is expected to encourage collection and recycling programs, that will result in more options to businesses, farmers and households for legal and cost-effective management and disposal of universal wastes.

The wastes covered under this rule are described in the "*What are Universal Wastes*" section of this bulletin.

Note: The management options noted in the Missouri Department of Natural Resources' Technical Bulletin, *Waste Fluorescent Lamp Management for Businesses and Institutions* previously published in 1996, ended on Jan. 31, 1999. The options allowed by the Universal Waste Rule make the guidance in this older version of the lamp bulletin obsolete. The Department requests individuals and businesses to recycle their copies of this bulletin and replace it with the current version dated 7/2003, entitled "*Fluorescent Lamps technical bulletin (Mercury-containing lamps including fluorescent, neon, high-pressure sodium outdoor, high intensity, and metal halide lamps)*". The lamp bulletin for households and farmers is also being revised to include guidance for managing other universal wastes and will state that households and farmers also have the option of managing their wastes according to the provisions of the Universal Waste Rule if they wish.

What are the Basic Requirements for Managing Universal Wastes?

Anyone who wants to manage one or more of the universal wastes noted above under the Universal Waste Rule must determine his or her handler status. Large quantity handlers accumulate 5,000 kilograms (equivalent to 11,000 pounds) or more of universal waste (batteries, pesticides, mercury containing thermostats, switches, lamps, thermometers, and manometers, calculated collectively), at any time (approximately five to six tons), and small quantity handlers accumulate less than 11,000 pounds. The handler counts only those wastes that will be managed as universal wastes. All other hazardous wastes are calculated separately and determine the "hazardous waste generator status" of the business. The designation as a large quantity handler remains through the end of the calendar year in which the 11,000 pounds is accumulated.

Large and Small Quantity Handlers

- Must not dispose of a universal waste into the environment.
- Must not dilute or treat a universal waste or break or crush mercury containing lamps without a Missouri Resource Recovery Certification or permit.
- Must follow the waste management requirements stated in the rule for the particular waste(s) being managed.
- Small quantity handlers generating only universal wastes that they manage under this rule do not need to register or obtain an EPA identification number; large quantity handlers must register and obtain an EPA identification number if a number has not previously been obtained.
- Must prevent releases to the environment.
- Must label waste as a "universal waste" as described in the rule.
- May accumulate universal wastes on-site for up to one year.
- May accumulate universal wastes for more than one year for the sole purpose of facilitating proper recovery or disposal.
- May accept universal wastes from off site and keep them for up to one year (except for universal waste pesticides).
- Must train employees on proper handling and emergency procedures.
- Must respond to spills and manage the spill residue as hazardous waste.
- May self-transport the universal waste to an authorized destination facility or Missouri Certified Resource Recovery Facility (or for pesticides, to a Missouri Pesticide Collection Program). If self-transporting, the handler is required to meet universal waste transporter requirements in the rule.
- Small quantity handlers need not keep records of universal wastes received or shipped; large quantity handlers have recordkeeping requirements.
- Must comply with export requirements for foreign shipments if applicable.

Transporters

- Must not dispose of universal waste into the environment.
- Must not dilute or treat except to respond to spills.
- Must comply with the requirements of the Universal Waste Rule for the particular waste being managed as well as U.S. Department of Transportation regulations in 49 CFR part 171 through 180 for all universal wastes being shipped that meet the definition of hazardous material in 49 CFR 171.8.
- Are not required to use hazardous waste manifests (shipping papers or bills of lading are acceptable).
- May store universal waste at transfer facilities for up to 10 days.
- Must respond to releases and spill residue must be managed as a hazardous waste.
- Must only transport universal waste to a universal waste handler, Missouri Certified Resource Recovery Facility with authorization to accept the waste in question, destination facility or foreign destination. Pesticides must be taken to a universal waste pesticide collection program, to a destination facility, sent back to the registrant conducting the recall or to a Missouri Certified Resource Recovery facility with authorization to accept the waste in question.
- Must comply with export requirements for foreign shipments if applicable.

Destination Facilities

- Due to revisions in federal regulations which were effective in Missouri Nov. 30, 2001, all destination facilities, including Missouri certified resource recovery facilities, must have a Resource Conservation and Recovery Act permit for storage.
- Must have an appropriate hazardous waste storage, treatment or disposal facility permit and comply with the terms of the permit for the management of universal waste received.

- Must obtain and comply with the terms of a Missouri Certified Resource Recovery Facility authorization, if the destination facility recycles universal waste.
- Must send waste off site only to another destination facility or a foreign destination.
- Must keep records.

Who is affected by this rule?

Businesses

Universal wastes are generated by small and large businesses. In the past, businesses were required to manage universal wastes as hazardous waste. The Universal Waste Rule offers another option that eases the regulatory burden on businesses that generate these wastes by streamlining the administrative requirements. For example, certain small businesses that generate only universal wastes and manage them under this rule do not need to notify the state of their activities or pay hazardous waste fees and taxes on that waste. Further, the rule extends the amount of time that businesses can accumulate universal wastes on site to a year or more, as explained below. It also allows companies to transport the wastes with a common carrier (universal waste transporter), instead of a hazardous waste transporter, and it no longer requires companies to prepare a hazardous waste manifest (the transporter prepares a shipping paper).

~~In Missouri, this rule does not apply to any business that generates or accumulates less than 100 kilograms (220 pounds) of hazardous wastes per month or at any one time. Such generators are considered "conditionally exempt" from hazardous waste regulation.~~ However, these small businesses are encouraged to participate voluntarily by using handlers and collection centers that legitimately recycle or dispose of their universal wastes. This rule will make it simpler for companies to establish collection programs and to participate in manufacturer take-back programs. Many large manufacturers and trade associations are already planning national and regional collection programs for their products.

Households

Households are not subject to hazardous waste management standards and are allowed to dispose of wastes covered under the universal waste rule with their trash. "Household waste" is defined in 40 CFR Part 261.4(b)(1). The department encourages residents to take their universal wastes to local collection centers or events when these are available for recycling or disposal.

Communities

Local communities can work with businesses and residents to encourage proper recycling or disposal of universal wastes. By easing the regulatory burden on businesses, more collection centers may become available. Communities can establish collection programs or help local businesses set up collection programs in their area based on the guidance in the rule.

How may I obtain copies of hazardous waste laws and regulations?

Copies of the Revised Statutes of Missouri are available through the Revisor of Statutes at (573) 526-1288, or are available online at www.moga.state.mo.us. Copies of the Missouri Code of State Regulations are available through the Missouri Secretary of State at (573) 751-4015, or are available online at www.sos.mo.gov. Federal regulations may be viewed at federal depository libraries, may be purchased from the U.S. Government Bookstore, the U.S. Government Printing Office, or from a commercial information service such as the Bureau of National Affairs. Federal Regulations are also available online at <http://www.access.gpo.gov/nara/cfr/index.html>.

For more information call or write:

For more information on the Universal Waste Rule, please contact:

Missouri Department of Natural Resources

Hazardous Waste Program

P.O. Box 176

Jefferson City, MO 65102-0176

1-800-361-4827 or (573) 751-3176

www.dnr.mo.gov/env/hwp Program Home Page



Fluorescent Lamps

(Mercury-containing lamps including fluorescent, neon, high-pressure sodium, high-intensity discharge, mercury vapor, and metal halide lamps)

Hazardous Waste Program fact sheet

1/2007

Fluorescent lamps may contain toxic metals such as mercury, cadmium and lead. Unbroken lamps pose a minimal threat to human health and the environment. However, fluorescent lamps contain mercury vapor under pressure and when broken, people may be exposed to toxic levels of mercury vapor and other metals which can be easily inhaled.

The Missouri Department of Natural Resources encourages prudent lamp recycling to safeguard human health and to limit the amounts of toxic heavy metals entering the environment.

Note: Please recycle any previous bulletins on fluorescent lamp management for businesses in Missouri. With the publication of the Universal Waste Rule (UWR) in Missouri, the guidance in the previous bulletin for businesses is null and void.

What are fluorescent lamps?

There are various sizes and types of fluorescent lamps. Typically four and eight-foot long lamps are used in homes, offices, and institutions. High-intensity discharge (HID) lamps such as mercury vapor, metal halide, neon and high pressure sodium lamps are commonly used by farms, businesses and cities.

Fluorescent lamps are long-lasting and energy efficient when compared to standard light bulbs. Future use is expected to increase. Some manufacturers are now producing more energy efficient lamps with less mercury.

Management Guidance

Small Number of Lamps Generated

~~If your business is a conditionally exempt small quantity generator of hazardous waste and it generates one or two lamps on an infrequent basis (or if you are a household or farmer), you may dispose of these in a Missouri sanitary landfill.~~ Missouri Hazardous Waste Law does not allow anything other than very small amounts of hazardous waste (such as mercury) to be disposed in Missouri sanitary landfills. Before disposal, place the lamp into the box the replacement lamp came in, put the box into a plastic bag and secure the bag at the top before placing it into the dumpster. These precautions will reduce the risk of immediate breakage and will help protect you and the trash hauler. To better protect the environment, the department encourages you to send your lamps to a certified recycler (or if you are a household or farmer to a local household hazardous waste collection program, if available in your area).

Note: Households and farmers that generate waste lamps have the option of handling the lamps as universal waste by complying with the UWR. A trash hauler or landfill operator has the right to refuse any waste for disposal.

Hazardous vs. Non-Hazardous Lamps

There are two methods you may use to determine whether or not the lamps are hazardous:

1. Test the waste. The test method for determining the toxicity of fluorescent lamps is the Toxicity Characteristic Leaching Procedure (TCLP). There are many reputable environmental laboratories that are capable of doing this test. Regulatory levels are published in the *40 Code of Federal Regulations 261.24* as follows:
Mercury - 0.2 milligrams per liter (mg/l)
Cadmium - 1 mg/l
Lead - 5 mg/l

If your laboratory analyses shows that TCLP levels for each constituent noted above are below the noted values, your waste is not hazardous. Your waste is hazardous if levels are equal to or greater than the levels stated for any one of the particular constituents noted above.

2. Apply knowledge of the hazardous characteristic. Most lamps that are old enough to be waste are likely hazardous. Some manufacturers now produce low-mercury fluorescent lamps. These lamps may not exceed the regulatory levels for the constituents noted above. Even some fluorescent lamps that are not low-mercury may not be hazardous. Lamp vendors may be able to provide data that show the toxic metal levels for the lamps you use. If the toxic metal levels are unknown, then the lamp is assumed to be hazardous.

Non-Hazardous Lamps

If you know your lamps are non-hazardous, you may send them to a lamp recycler or to a Missouri sanitary landfill. You should contact the landfill operator for permission before disposal. The landfill operator may refuse any waste. The landfill may require a special waste disposal request or test results before accepting the material. Even though non-hazardous lamps will pass TCLP and are not hazardous waste or universal waste, they still contain small amounts of mercury. Therefore, in an effort to reduce the amount of mercury released to the environment, you may choose to recycle your non-hazardous fluorescent lamps.

Hazardous Lamps

You may manage your unbroken hazardous lamps as either universal waste or as hazardous waste. Recycling at a Missouri facility that is certified for recovering mercury from such lamps is an option in either case. Any broken hazardous lamps must be managed as hazardous waste. Lamps should always be packed and stored in a manner to minimize breakage.

The total amount of hazardous or universal waste generated will determine how the generator is classified and what regulations apply. If you decide to manage your wastes as hazardous waste, you should obtain copies of the Missouri Hazardous Waste Management Law and regulations and the Code of Federal Regulations Title 40 Parts 260 through 280. More information about obtaining these regulations is provided at the end of this bulletin.

Lamps Sent for Recycling

Recycling is the preferred method of management for fluorescent lamps. Businesses in Missouri may send their unbroken lamps to a recycler in Missouri that has a valid resource recovery certification and an approval or permit from the department for lamp storage prior to recycling. Recyclers outside of Missouri may also be used as long as they have valid permits, certifications

or other authorization from the state to receive hazardous lamps. Also, unbroken lamps may be sent to another universal waste handler that will send them to a recycler. If unbroken lamps are sent as universal waste to a Missouri-certified resource recovery facility or to a universal waste destination facility in Missouri, you do not need to use a licensed hazardous waste transporter or hazardous waste manifests while in Missouri. For universal waste shipments, only universal waste transporters (common carriers) and shipping papers meeting U.S. Department of Transportation regulations are required. Large quantity handlers of universal waste (i.e., those who accumulate a total of 11,000 pounds of all types of universal wastes) need to track their shipments of unbroken lamps.

If you intend to send hazardous lamps to an out-of-state destination facility as universal waste, you should contact the environmental agencies in the states the lamps will travel through. Other states may require use of licensed hazardous waste transporters and hazardous waste manifests for shipments to a recycler, even though Missouri does not.

The Universal Waste Option

The UWR became effective in Missouri on Jan. 31, 1999. It provides a less-stringent option to hazardous waste generators for the management of certain widely generated wastes (i.e., mercury-containing lamps, thermometers, manometers, switches, thermostats, hazardous batteries and pesticides). Unbroken fluorescent bulbs may be managed as universal waste. Universal waste generators are called "handlers." The regulations are designed to allow handlers to safely collect cost-effective quantities of hazardous waste for eventual recycling or disposal. Under the UWR, fluorescent lamps may be sent to another universal waste handler, to an authorized universal waste destination facility, or to a Missouri Certified Resource Recovery Facility. For purposes of determining what regulations apply, figure the total accumulated amount of all types of hazardous wastes that you are managing as universal waste. In Missouri, this may include any or all of the wastes noted in the second sentence of this paragraph. A small quantity handler of universal waste accumulates less than 11,000 pounds (5,000 kg) of universal waste at any time. A large quantity handler of universal waste accumulates 11,000 pounds (5,000 kg) or more of universal waste at any time. If you accumulate 11,000 pounds at any time in a calendar year, you will retain your large quantity handler status until the end of the calendar year. The regulations are somewhat more stringent for large quantity handlers than small quantity handlers. For purposes of figuring your accumulation rate for fluorescent bulbs, please note that 17,500 of the standard four-foot lamps weigh 11,000 pounds (5,000 kilograms). If you wish to manage your fluorescent lamps as universal waste, you will want to obtain the department's Universal Waste Fact Sheet and also become familiar with the universal waste regulations published in 10 CSR 25-16.273 and 40 CFR Part 273 incorporated by reference.

In general, the following practices should be observed:

- Label containers with the words "Universal Waste-Mercury-Containing Lamp(s)", "Waste Mercury-Containing Lamp(s)", or "Used Mercury-Containing Lamp(s)";
- Do not store waste for more than one year unless you can show that the storage will facilitate proper recovery or disposal;
- Train employees on proper handling and emergency procedures;
- Manage broken lamps as hazardous waste;
- Large quantity handlers of universal waste must register with the department (small quantity handlers do not need to register);
- Large quantity handlers of universal waste must store the lamps so that they are not easily broken;
- Large quantity handlers of universal waste have some recordkeeping requirements (shipping

- papers rather than hazardous waste manifests are used);
- Shipments are made according to U.S. Department of Transportation requirements.

Hazardous Waste

Fluorescent bulbs may be disposed of as hazardous waste. Broken fluorescent bulbs must be handled as hazardous waste. The total amount of hazardous waste streams you generate or accumulate in one month or at any one time will determine which hazardous waste regulations you must meet. For purposes of calculating your hazardous waste generation rate for fluorescent lamps, the department estimates 350 of the standard four-foot long lamps weigh about 220 pounds (100 kilograms). If you generate or accumulate at any one time:

- 220 pounds or less of non-acute hazardous waste and less than 2.2 pounds of acutely hazardous waste per month, you would be considered a conditionally exempt small quantity generator;
- between 220 pounds and 2,200 pounds of non-acute hazardous waste and less than 2.2 pounds of acutely hazardous waste per month, you would be considered a small quantity generator;
- 2,200 pounds or more of non-acute hazardous waste or 2.2 pounds or more of acutely hazardous waste per month, you would be considered a large quantity generator.

Please see the department's fact sheet *Does Your Business Generate Hazardous Waste* (pub 117) for more information.

General Information

- Do not deliberately break fluorescent lamps.
- Do not use small commercially available drum-type fluorescent lamp crushers. Use of these devices is illegal treatment of hazardous waste.
- Check with handlers, transporters, recyclers and disposal firms on recycling or disposal costs and options that may exist in your area to help you decide on the most safe and cost effective method of managing your waste.

How May I Obtain Copies of Hazardous Waste Laws and Regulations?

Copies of the Revised Statutes of Missouri are available through the Revisor of Statutes at (573) 526-1288, or are available online at <http://www.moga.state.mo.us>. Copies of the Missouri Code of State Regulations are available through the Missouri Secretary of State at (573) 751-4015, or are available online at <http://www.mosl.sos.state.mo.us>. Federal regulations may be viewed at federal depository libraries or may be purchased from a U.S. Government Bookstore, the U.S. Government Printing Office, or from a commercial information service such as the Bureau of National Affairs. Federal Regulations are also available online at <http://www.access.gpo.gov/nara/cfr/index.html>.

For more information call or write:

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